

SchulteRoth&Zabel LLP

919 Third Avenue
New York, NY 10022
212.756.2000
212.593.5955 fax

www.srz.com

Writer's Direct Number
212.756.2380

Writer's E-mail Address
Barry.Bohrer@srz.com

January 16, 2018

BY ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: **United States v. Percoco, et al., 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Defendant Joseph Percoco in the above-referenced matter. We respectfully submit this letter in response to the Court's order that the parties submit to the Court their expert discovery no later than today.

As we have previously noted, we have not received materials from our proposed expert, Michael Kunkel. Rather, after providing a SETEC representative with access to the forensic images of the devices made available by the government, that representative explained that the reason for the blank emails was obvious: the Outlook configuration on certain of the devices that had been seized. That conclusion remains uncontested by the government. No report was prepared because, given the explanation proffered to us by SETEC, no further information or discovery was necessary to address the issue.

Respectfully submitted,

/s/ Andrew Gladstein
Barry A. Bohrer
Michael L. Yaeger
Andrew D. Gladstein
Abigail F. Coster